

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11626 of 1996

Between:

Ch. Venkataramaiah s/o Ch. Sriramulu, Aged: 36 years, Working as Asst.
Cook, A.P. Residential School Boys Hostel, Tadikonda, Mangalagiri Mandal,
Guntur district.

..... PETITIONER

AND

1. A.P. Residential Educational Institutions Society, rep., by its Secretary,
Kandara Compelx, Abids, Hyderabad.
2. The Principal, A.P. Residential School (Boys) Tadikonda, Mangalagiri
Mandal, Guntur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of Mandamus in nature, declaring the action of the respondents in continuing the petitioner in the scale of Rs.238/- + allowances as being arbitrary, illegal and unconstitutional violating Articles 14, 21 and Part-IV of the Constitution of India and issue a consequential direction to extend the regular scales of pay applicable to the post held by the petitioner with effect from the date of his regular appointment as Kitchen Helper i.e., with effect from 12-06-1993 and pay arrears of salary and continue to pay regular scales of pay to the petitioner.

Counsel for the Petitioner: MR.SOORAMPRA BHAKAR REDDY

Counsel for the Respondent No.1 & 2: GP FOR EDUCATION

The Court made the following :

:ORAL ORDER:

The petitioner, by the proceedings of the 2nd respondent dated 12-06-1993, was appointed as 'Kitchen Helper' in the 2nd respondent-Institution. His appointment was pursuant to the guidelines for appointment issued in G.O.Ms.No.98 dated 08-04-1993. On appointment, however, the petitioner was placed in the pay scale of Rs.238-00 plus Dearness Allowance. Despite the fact that the petitioner's appointment was pursuant to an interview of the District Selection Committee and a regular appointment, whereat joined the service with effect from 14-06-1993, he has not been paid the regular scale of pay attached to the post, but was paid only Rs. 238-00 plus dearness allowance per month. Earlier, he entered the service of the respondent-Society in the year 1984 as 'Kitchen Helper' on a daily wage basis. Even as a daily wage employee, he was paid consolidated wages of Rs.600-00, which was thereafter raised to Rs.900-00 per month. On regular employment as a 'Kitchen Helper' pursuant to the 2nd respondent's proceedings dated 12-06-1993, he was being paid lesser wages than as a 'casual employee'. Petitioner claims that the post to which he is appointed has a fixed pay scale of Rs.740/- -- 1150/-, which was subsequently revised to Rs.1375/- -- 2375/- in G.O.Ms.No. 202 Education (Prog.I-3) Department dated 01-06-1995. The orders of the Government were also implemented for employees of the respondent-Society. As the petitioner was not paid the scale of pay attached to the post to which he was regularly appointed, he has filed this writ petition on 18-06-1996 seeking appropriate reliefs.

No counter affidavit has been filed by the respondents nor is there any representation on their behalf.

On behalf of the petitioner, reliance is placed on the decision of a Division Bench of this Court dated 25-09-1996 in W.P.No. 3903 of 1994 and batch. This court was considering a substantially similar situation where even after regular absorption of the petitioners into A.P. Residential Schools, they were paid only an amount of Rs. 238-00 plus dearness allowance and were thus drawing less than those petitioners

used to draw as *ad hoc* employees. The writ petitions were, in the circumstances, allowed by the Division Bench of this court directing the respondents to extend the benefit of pay scales attached to the post in which the petitioners are working and against which they were appointed on a regular basis from the dates on which they were regularly appointed.

As the facts of this case are apposite to the facts in the writ petitions considered by the Division Bench of this court above, this writ petition is also allowed in terms of the aforesaid judgment. Accordingly, the respondents are directed to extend to the petitioner the benefit of the pay scale attached to the post of 'Kitchen Helper' to which post he has been regularly appointed with effect from the date on which he was so regularly appointed by the orders of the 2nd respondent. All the benefits of arrears of salary and emoluments, pay revisions, incremental benefits and all other benefits to which the petitioner would be entitled on the basis of such relief as directed herein above shall be extended to the petitioner after deducting the amounts already paid to him.

The writ petition is allowed, as above. There shall be, however, no order as to costs.

GODA RAGHURAM, J

Dt. 02-08-2004

Pvks/*

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devender Gupta, the Chief Justice on this

Monday the second day of August Two Thousand and Four.

Assistant Registrar

To

1.The Secretary, A.P. Residential Educational Institutions Society, Kandara
Compelx, Abids, Hyderabad.

2.The Principal, A.P. Residential School (Boys) Tadikonda, Mangalagiri Mandal,
Guntur district.

3.2CCs to the Government Pleader for Education, A.P. High Court Buildings,
Hyderabad (OUT).

4.2CD copies